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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re DAVID MARQUIS C., a Person
Coming Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

BARBARA MAYS,

Defendant and Appellant.

B175629

(Los Angeles County
Super. Ct. No. CK09108)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Marilyn Kading Martinez, Temporary Judge. (Pursuant to Cal. Const., art VI, § 21.)
Affirmed.

Leslie A. Barry, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance on behalf of Plaintiff and Respondent.

Barbara M. appealed from a trial court order under Welfare and Institutions Code section 366.26, terminating her parental rights to her son David.

The facts are briefly stated: the Welfare and Institutions Code section 300 petition in this case was filed in July 2003, after David was born suffering the effects of prenatal drug exposure. The petition also alleged that appellant had failed to reunify with David's sibling. Department of Children and Family Services reports explain that the sibling was born in 1994 with a positive toxicology for cocaine, and was permanently placed with appellant's mother in legal guardianship.

At a contested dispositional hearing, appellant presented evidence that she was making good progress in a residential drug treatment program, but acknowledged that she had been in such a program earlier, after David's sibling was detained, and had thereafter periodically returned to drug use. The court denied reunification services under Welfare and Institutions Code section 362.5, subdivision (b)(10). Appellant's section 388 petition, based on her progress in drug treatment, was denied in January. Parental rights were terminated in May.

We appointed counsel to represent appellant on appeal. Counsel informed us that she was unable to file an opening brief on the merits, and also informed us that she had provided appellant with a copy of the appellate record. Appellant herself has filed a letter brief and sent accompanying materials setting forth her progress in drug treatment and in caring for her older child.

We have thoroughly examined the record, and find substantial evidence for the trial court order, and cannot find that the information in appellant's letter or in the materials establishes that the trial court order was without substantial evidence. Respondent's motion to dismiss the appeal is denied.

Disposition

The trial court order of affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P.J.

MOSK, J.